

DOCKET NO. FBT-CV-20-6097623-S : SUPERIOR COURT
MARK DEMING : J.D. OF BRIDGEPORT/FAIRFIELD
V. : AT BRIDGEPORT
TRUMBULL BOARD OF EDUCATION : AUGUST 17, 2020

REQUEST TO REVISE

Pursuant to Connecticut Practice Book § 10-35, the Defendant, Trumbull Board of Education, ("Board") requests that the Plaintiff, Mark Deming ("Plaintiff") revise his Complaint in the following respects:

First Requested Revision

PORTION OF PLEADING SOUGHT TO BE REVISED:

First Count, Paragraph 4

4. In connection with the Board's appointment of the Plaintiff as Director of Facilities, the Board offered to the Plaintiff a written agreement dated June 19, 2014 (the "2014 Annual Contract"), a copy of which is attached hereto as Exhibit A.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase "2014 Annual Contract".

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified." *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10-35 provides a party may request a revision to obtain "the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or

otherwise improper allegations in an adverse party's pleading". The use of the phrase "2014 Annual Contract" to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:

Second Requested Revision

PORTION OF PLEADING SOUGHT TO BE REVISED:

First Count, Paragraph 5

5. The Plaintiff accepted the 2014 Annual Contract proposed to him by the Board and signed it on June 19, 2014.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase "2014 Annual Contract".

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified." *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10-35 provides a party may request a revision to obtain "the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading". The use of the phrase

“2014 Annual Contract” to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:

Third Requested Revision

PORTION OF PLEADING SOUGHT TO BE REVISED:

First Count, Paragraph 6

6. The 2014 Annual Contract does not contain any provision stating that the Plaintiff’s employment with the Board would be employment at will.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “2014 Annual Contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the phrase

“2014 Annual Contract” to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:

Fourth Requested Revision

PORITION OF PLEADING SOUGHT TO BE REVISED:

First Count, Paragraph 9

9. Rather, annually in the summer each year commencing in 2015 and continuing to 2019, the Superintendent in Trumbull, serving as the chief executive officer of the Board, notified the Plaintiff by letter of the renewal of his annual employment contract and of the increase of his annual salary that had been authorized by the Board.

REQUESTED REVISION:

The Board requests Plaintiff delete the words “renewal” and “annual employment contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain

“the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the word “renewal” and the phrase “annual employment contract” to characterize the nature of the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis

OBJECTION:

Fifth Requested Revision

PORTION OF PLEADING SOUGHT TO BE REVISED:

First Count, Paragraph 11

11. Relying on the annual employment letters he received as described in paragraphs 9 and 10 above, the Plaintiff agreed with the Board each year to continue his employment as Director of Facilities for the annual salary, welfare provisions and benefits described in each renewal letter.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “renewal letter”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the word “renewal” and the phrase “annual employment contract” to characterize the nature of the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis

OBJECTION:**Sixth Requested Revision**

Second Count, Paragraph 4

4. In connection with the Board’s appointment of the Plaintiff as Director of Facilities, the Board offered to the Plaintiff a written agreement dated June 19, 2014 (the “2014 Annual Contract”), a copy of which is attached hereto as Exhibit A.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “2014 Annual Contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the phrase “2014 Annual Contract” to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:**Seventh Requested Revision****PORTION OF PLEADING SOUGHT TO BE REVISED:**

Second Count, Paragraph 5

5. The Plaintiff accepted the 2014 Annual Contract proposed to him by the Board and signed it on June 19, 2014.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “2014 Annual Contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the phrase “2014 Annual Contract” to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:**Eighth Requested Revision****PORTION OF PLEADING SOUGHT TO BE REVISED:**

Second Count, Paragraph 6

6. The 2014 Annual Contract does not contain any provision stating that the Plaintiff's employment with the Board would be employment at will.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “2014 Annual Contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the phrase “2014 Annual Contract” to characterize the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:**Ninth Requested Revision****PORTRION OF PLEADING SOUGHT TO BE REVISED**

Second Count, Paragraph 9

9. Rather, annually in the summer each year commencing in 2015 and continuing to 2019, the Superintendent in Trumbull, serving as the chief executive officer of the Board, notified the Plaintiff by letter of the renewal of his annual employment contract and of the increase of his annual salary that had been authorized by the Board.

REQUESTED REVISION:

The Board requests Plaintiff delete the words “renewal” and “annual employment contract”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the word “renewal” and the phrase “annual employment contract” to characterize the nature of the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis

OBJECTION:**Tenth Requested Revision****PORTION OF PLEADING SOUGHT TO BE REVISED**

Second Count, Paragraph 11

11. Relying on the annual employment letters he received as described in paragraphs 9 and 10 above, the Plaintiff agreed with the Board each year to continue his employment as Director of Facilities for the annual salary, welfare provisions and benefits described in each renewal letter.

REQUESTED REVISION:

The Board requests Plaintiff delete the phrase “renewal letter”.

REASON FOR REQUESTED REVISION:

The request to revise is a motion for an order directing the opposing party to revise his pleading in the manner specified.” *Royce v. Westport*, 183 Conn. 177, 180, 439 A.2d 298 (1981). Practice Book § 10–35 provides a party may request a revision to obtain “the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading”. The use of the word “renewal” and the phrase “annual employment contract” to characterize the nature of the referenced document is misleading as it presumes a legal conclusion for which there is no factual basis.

OBJECTION:

DEFENDANT
TRUMBULL BOARD OF EDUCATION

BY 

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CERTIFICATION

This is to certify that a copy of the foregoing was, or will immediately be mailed or delivered electronically, or non-electronically, on the date hereon to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served as follows:

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